



# **PIMA COUNTY ATTORNEY'S OFFICE DEFERRED PROSECUTION ANNUAL REPORT FISCAL YEAR 2019/2020**

## **ADULT DIVERSION PROGRAM ORGANIZATION**

### **The program is comprised of eleven separate diversion entities:**

- Felony Diversion Program
- Felony Drug Diversion Program
- Domestic Violence Diversion Program
- Re-offender Diversion Program
- Misdemeanor Diversion Program
- Alcohol Abuse Diversion Program
- Marijuana and Paraphernalia Diversion Program
- University of Arizona Student Diversion Program
- Tobacco Retailer Diversion Program
- Behavioral Health Court Diversion Program
- Bad Check Diversion Program

All diversion programs are post-arraignment and pre-adjudication. Prosecution is suspended for up to two (2) years. A Diversion Specialist reviews the cases and determines if all of the diversion terms have been met. If the defendant completes the diversion terms, the prosecutor will file dismissal paperwork, and the case will be successfully closed. At any point, the diversion case can be terminated for failure to comply and criminal prosecution is resumed.

### **Felony Diversion Program**

This program is designed to handle first-time diversion eligible defendants charged with a felony offense. The defendant will be supervised by an Adult Diversion Specialist (Specialist) for a maximum of twenty (20) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling program(s), pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

### **Felony Drug Diversion Program**

This program is designed to handle eligible defendants arrested for first-time felony drug possession charges involving possession of dangerous drugs or narcotic drugs for personal use. After accepting the terms and conditions of the diversion program, the defendants are referred to Community Bridges, Inc. (CBI). CBI screens the defendants for a substance use disorder and determines the appropriate intervention plan/treatment according to their screening results. CBI is monitoring the defendants' treatment compliance and reporting back to the diversion office on a monthly basis or after a significant event. The defendants also have to meet regularly with their assigned Diversion Specialist. A final random substance test is required of each defendant with success dependent upon a negative result for drugs.

### **Domestic Violence Diversion Program**

This program is designed to handle first-time diversion eligible defendants cited for a domestic violence misdemeanor offense. The defendant will be supervised by a Specialist from six (6) to twelve (12) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The defendant will attend programs such as domestic violence counseling and parenting classes as well as pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

### **Re-offender Diversion Program**

This program is designed to handle diversion eligible defendants cited for a second misdemeanor offense. The defendant will be supervised by a Specialist from three (3) to six (6) months. The supervision method and the contact frequency of the defendant are at the discretion of the Specialist. The Specialist will direct the defendant to attend counseling program(s), pay diversion fees and restitution if applicable. The defendant will complete volunteer community service hours. Periodic and random substance testing is required of the defendant.

### **Misdemeanor Diversion Program**

This program is designed to handle first-time diversion eligible defendants cited for a misdemeanor offense. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, program(s) to attend, restitution amount if applicable, and deadlines.

### **Alcohol Diversion Program (formerly Substance Abuse Diversion Program)**

This program was previously entitled Substance Abuse Diversion Program. The title was changed with the removal of marijuana and paraphernalia from this category. This program is designed to handle first-time diversion eligible defendants cited for misdemeanor alcohol offenses. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, program(s) to attend, restitution amount if applicable, and deadlines.

### **Marijuana and Paraphernalia Diversion Program**

This program started May 2017. Prior to May, these two types of charges were previously included in the Substance Abuse Diversion Program. This program is designed to handle first-time diversion eligible defendants cited for misdemeanor possession of marijuana or possession of drug paraphernalia for personal use. The

defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts and referred to Community Bridges, Inc. (CBI), a community service provider specializing in behavioral health and substance use treatment. CBI will screen the defendant for a substance use disorder and determine the appropriate drug intervention plan, which may include an education class (for those not suffering from substance use disorder), outpatient treatment, intensive outpatient treatment, or residential treatment. CBI will monitor their progress and report back to the diversion office.

### **University of Arizona Student Diversion Program**

This program works closely with the University of Arizona Dean of Students Office. It is designed to handle University of Arizona students who are first-time offenders and are cited by the university police department for certain misdemeanor offenses. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts and referred to the Dean of Students Office. The Dean of Students Office will determine the appropriate intervention plan, monitor the student's progress, and report back to the diversion office.

### **Tobacco Retailer Diversion Program**

This program works closely with the Pima County Health Department's Tobacco and Chronic Disease Prevention program. It is designed to handle first-time offenders who are cited for selling tobacco to minors. The defendant will appear at the diversion office to speak with a Specialist about the diversion program requirements and complete paperwork. The defendant will be given the fee amounts, instructions to attend an Arizona Retailer Tobacco Training, and deadlines.

### **Behavioral Health Court Diversion Program**

This program works closely with the Behavioral Health Specialty Court of the Pima County Consolidated Justice Court. Therapeutic service are provided by independent,

outside agencies with professional expertise in the area of service they provide. They are closely monitored by the Justice Court's Behavioral Health Treatment Court.

### **The Bad Check Diversion Program**

For Fiscal Year 2020, the Bad Check Program processed 204 new bad checks referrals and collected \$86,564.42 in restitution for victims.

### **Program Supervision**

The Program Coordinator oversees the everyday operations of the diversion programs and supervises the specialists, paralegals, and legal processing support staff members. Currently, two (2) Specialists supervise the defendants in the above described diversion programs. Two (2) paralegals, one (1) secretary, and two (2) legal processing support staff members process the cases for the diversion programs.

## **FY 2019/2020 Adult Diversion Program Statistics**

### **Year totals all programs combined:**

Total number of cases processed:	937
Total number of new referrals:	721
Total number of successful terminations:	631
Total number of unsuccessful terminations:	173
Total number of cases closed:	804
Total number of pending cases:	216
Success Rate:	78%

### **Year totals for each program:**

	Total Closed	Successful	Unsuccessful	Success Rate
Felony Diversion Program:	8	6	2	75%
Felony Drug Diversion Program	194	105	89	54%
Domestic Violence Diversion Program:	98	77	21	79%
Re-offender Diversion Program:	79	53	26	67%
Misdemeanor Diversion Program:	91	79	12	87%
Alcohol Diversion Program: *	81	78	3	96%
Marijuana and Paraphernalia Program:	135	122	13	90%
University of Arizona Student Diversion Program:	70	64	6	91%
Tobacco Retailer Diversion Program:	8	8	0	100%
Behavioral Health Court Diversion Program:	40	39	11	98%

\*formerly Substance Abuse Diversion Program